Summary of Changes Made to CJA Plan

New Plan						
Pg. 3	I.	Authority No changes				
Pg 3	11.	Statement of Policy A. Objectives – No changes B. Compliance 1. Wording changed to include the Federal Defenders of Western North Carolina, Inc. the Panel Selection & Management Committee. 2. Change to note the private attorney shall be provided by the CJA Panel Administrator				
Pg. 4	III.	Definitions No changes made to A & B Section "C" is eliminated				
Pg. 4	IV.	Title of section changed from "Provision of Representation" as listed to "Appointment and Payment of Counsel" A. Title changed to Eligibility for Representation Under the Act with a statement added concerning the requirement to have a plan for furnishing representation.				
Pg. 5		A. District Plans: 1. The word "mandatory" is eliminated. (i) no change (ii) addition of 18 U.S.C § 5034 with regard to appointment of counsel; for appointment of guardian ad litem, see paragraph 3.14 (iii) wording following "probation" is eliminated. (iv) No change (v) Additional information added referencing representation at parole proceedings as amended by the Parole Commission Phaseout Act of1996, etc. (vi) See e.g. added referencing Criminal Monetary Penalties (vii) No change				
		(viii) No change (viii) No change				
	Pg. 3 Pg. 4 Pg. 4	Pg. 3 I. Pg 3 II. Pg 4 III. Pg. 4 IV.				

Pg. 2	Pg. 6	(ix) Sections k, I from the old plan are
		combined (x) Same as section "i"
		(x) Same as section "i" (xi) Refers to section "j" with changes made
		in wording regarding prisoner transfers
Pg. 3		2. The word "discretionary" is eliminated.
		(i) no changes to wording. The words
		"sentence to confinement is authorized"
		is no longer in bold and underlined.
		(ii) Additional information added: (but see
		paragraph 2.01 A(1)(x) regarding the
		mandatory appointment of counsel
		regarding the requirement for
		appointment of counsel for an evidentiary hearing).
	Pg. 6	3. Additional section added "Other cases or
	· g. o	proceedings which may be covered or
		compensable under the Act include, but are not
		limited to the following (see also paragraph 2.22
		B(2)).
Pg. 3	Pg. 6	(i) Section IV(A)(2)(c) in the previous plan
		(ii) Section IV(A)(2)(d) in the previous plan
		with change to initial wording to read
		"Upon application of a witness" No
		other changes made.
Pg. 3	Pg. 6	4. Additional section added. "Counsel may be
		appointed for financially eligible persons
		proposed by the US Attorney for processing
		under a "pretrial diversion" program.
		Section IV(A)(2)(e)
		(i) Found in section IV(A)(2)(f) of the
		previous plan
		Pages 7 & 8 contain new information
	Pg. 7, 8	concerning the determination of
		representation in an ancillary matter with a
		list of objectives included.
		Representation in an ancillary matter
		related to compensation is also discussed.
		Page 8 includes a section titled "Criminal
		Justice Act Forms" stating every district

		incorporate in its plan a requirement for standardized forms.			
Pg. 4	Pg. 8	A. Eligibility for Representation Found in IV (D)(1, 2) of the previous plan The subsections titled "Factfinding" and "Disclosure of Change in Eligibility" are eliminated. Includes statement concerning representation by counsel and the function of the federal judge or magistrate. A second paragraph states who may be designated by the court to obtain/verify facts to determine eligibility, the form to complete, as well as those who are not eligible to complete the CJA form.			
Pg. 3	Pg. 8	B. When Counsel Shall be Provided No change			
Pg. 3	Pg 8	C. Number and qualification of Counsel 1. Number No change. Subsections a, b are eliminated 2. Qualifications a. Appointment of Counsel Prior to Judgment Second paragraph "Pursuant to 18 changes to the "court shall consider the recommendation of the Federal Public Defender, and eliminates the remainder of the sentence. b. no change c. Eliminated as subsection "c" but no change in			
		wording			
Pg. 5	Pg. 10	V. Private Attorneys Previously Section VI in the model plan A. Establishment of CJA Panel "is hereby recognized" added to wording. B. Organization No change C. Ratio of Appointments Eliminated in new plan Additional section titled "Management of CJA Panel included to state responsibility for distribution of cases and management of CJA Panel with references to			

			Appendix I.
Pg. 6	Pg. 10	VI.	Representation in State Death Penalty Habeas Corpus Proceedings Under 28 U.S.C.S. 2254. Found in Section VII in previous & model plan
Pg. 6	Pg. 10	VII.	Duties of Appointed Counsel Section VIII in model plan and previous plan A. Standards – no changes B. Professional Conduct – no changes C. No Receipt of Other Payment – no changes D. Continuing Representation Added following paragraph followingcertiorari "(as governed by the circuit CJA plan provisions concerning representation on appeals)"
Pg. 6	Pg. 11	VIII.	Duties of Law Enforcement and Related Agencies (Section IX in previous and model plan) A. Presentation of Accused for Appointment of Counsel No changes B. Notice of Indictment or Criminal Information No changes from previous plan
Pg. 7	Pg. 11	IX.	Miscellaneous (Section X previously) A. Forms – no change B. Claims – no change C. Supersession – Changed to "This Plan supersedes all prior Criminal Justice Act Plans of this court."
Pg. 7	Pg. 12	X.	Effective Date Changed to: "This Plan shall become effective when approved by the Judicial Council of the Circuit." Appendix I – no change Appendix 2 - eliminated